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PPLICATION NO.	. FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,781	02/06/2004	Roger V. Maes	7216-001US	7883
7	590 10/26/2005		EXAM	INER
Jacques M. Dulin, Esq.			WATSON, ROBERT C	
Innovation Lav				
237 N. Sequim Avenue			ART UNIT	PAPER NUMBER
Sequim, WA 98382			3723	

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/773,781	MAES, ROGER V.				
Office Action Summary	Examiner	Art Unit				
	Robert C. Watson	3723 ·				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DATE - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period was a Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	l. ely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 19 O	<u>ctober 2005</u> .					
2a) ☐ This action is FINAL . 2b) ☒ This						
3) Since this application is in condition for allowar	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	3 O.G. 213.				
Disposition of Claims	·					
4) ⊠ Claim(s) <u>1-17</u> is/are pending in the application. 4a) Of the above claim(s) <u>17</u> is/are withdrawn for 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) <u>1-16</u> is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or	rom consideration.	•				
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine	epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e37 CFR 1.85(a).				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
) Notice of References Cited (PTO-892)	4) Interview Summary Paper No(s)/Mail Da					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) B) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2/6/04 & 7/7/05.		atent Application (PTO-152)				

Applicant's remarks concerning the restriction requirement have been given careful consideration. The remarks fail to respond to the reasons for distinctness set out in the restriction requirement. Applicant's remarks that the searches for the two inventions are identical is found to be in error. A search for non-analogous art that is appropriate for the apparatus structure is not appropriate in a search for the method. Further, method subclass searches are not necessary for the apparatus. In sum, it would be a serious burden for the Office to search both inventions in a single application. The restriction requirement is deemed proper and is hereby made FINAL.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-4, 6-10, 12-13, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Maes.

Maes shows a first and second pair of V-shaped jaws back-to-back and a third pair of V-shaped jaws orthogonal to the first and second pairs of jaws. Each of the jaws includes a D-shaped clamp having a screw member.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claims 2, 5, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maes in view of Johnson.

The screw operated jaw of Maes may obviously include a flanged arcuate jaw in view of the teachings of Johnson. One skilled in the art would have been motivated to do this in order to better guide the moving jaw and to center the workpiece relative to the opposed stationary V-shaped jaw. Note that in the Johnson screw/jaw the screw includes a threaded portion 30 and an unthreaded portion 31.

Claim 17 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10/19/05.

ROBERT C. WATSON
PRIMARY EXAMINER